

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAR 26 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CHARLES EDWARD MOORE,
Petitioner-Appellant,
v.
RONALD DAVIS,
Respondent-Appellee.

No. 17-56591

D.C. No. 2:13-cv-07147-AG
Central District of California,
Los Angeles

ORDER

Before: CHRISTEN and FRIEDLAND, Circuit Judges.

The district court denied Petitioner's Rule 60(b) motion and denied a certificate of appealability ("COA"). We construe the pro se notice of appeal as a request for a COA. Irrespective of whether or not Petitioner's failure to exhaust state remedies could be excused due to state court delay, no jurist of reason would debate the conclusion that Petitioner has not made a "substantial showing of the denial of a constitutional right." *See* 28 U.S.C. § 2253(c)(2); *see also Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a COA is DENIED.

The Clerk shall close this docket. No more filings will be considered in this closed case.